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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,366	11/28/2000	Prathima Agrawal	APP 1276-US	6316

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EXAMINER

MILLS, DONALD L

ART UNIT PAPER NUMBER

2662

DATE MAILED: 08/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,366

Applicant(s)

AGRAWAL ET AL.

Examiner

Donald L Mills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Perkins ("Mobile IP," IEEE Communications Magazine, May 1997).

The Examiner notes that the claimed invention appears to be drawn to the combination of two principles, the mobile protocol and the IP protocol. The mobile protocol establishes a smooth handoff by establishing a connection, receiving a message from a serving and target base station, and then combining the signals until no longer necessary. The IP protocol encapsulates a message, performs tunneling, and strips the encapsulated packet for transmission to the mobile device. Since, Perkins discloses roaming in a Mobile IP network the claimed invention is therefore anticipated.

Regarding claims 17, 18, and 20, Perkins discloses a method for connecting to the Internet and maintaining communication as the mobile user moves from place to place, which comprises:

Means for transmitting a data packet unit from said serving base station to said mobile

(See page 95, Smooth Handoffs, paragraph 1, lines 1-3.)

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Means at said serving base station for combining upper layer packets with data at one layer to produce lower layer packets, for adding a label (See page 93, Figure 7, old IP header,) to said lower layer data packets to produce a remote layered data packet, and for adding a header (See page 93, Figure 7, new IP header,) to said remote layered data packet to produce an encapsulated Internet Protocol packet including a copy of said data packet unit (See page 92, Routing and Tunneling, paragraph 1, lines 1-7.)

Means at said serving base station for transmitting said encapsulated internet protocol packet including said remote layered data packet to said target base station (See page 94, Figure 10.)

Means at said target base station for relaying said encapsulated remote layered data packet to said mobile without repeating the processing done at said serving base station (See page 94, Figure 10.)

Means, at said mobile, for combining said copy of said data packet unit from said target station with said packet unit from said serving base station to effectuate the handoff (See page 97, Figure 15, during mobile IP smooth handoff the mobile host combines packets from home and foreign agent.)

Regarding claim 16, Perkins discloses a switching label (See page 93, Figure 7, old IP header,) and an Internet Protocol destination address corresponding to the target base station (See page 93, Figure 7, new IP header,) and the target base station includes means for removing the Internet Protocol destination address from the copy of the data packet unit and means responsive to the switching label for determining an outgoing channel the mobile (See page 92,

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Routing and Tunneling, paragraph 2, lines 1-8, the new IP header is removed for transmitting the data packet unit to the mobile user according the old IP header.)

Regarding claim 19, Perkins discloses *sending the IP encapsulated remote layered data packet to the target base station via an IP network* (See page 97, Figure 15.)

Regarding claim 21, Perkins discloses *comparing the data received from the serving base station with the remote layered data received from the target base station; if the step of comparing indicates a match, then combining the data from the serving base station and the data from the target base station; if the step of comparing does not indicate a match, then further comparing N data blocks from the serving base station with the data from the target base station until a match is obtained* (See page 95, Smooth Handoffs, paragraph 1, lines 1-6. During mobile IP smooth handoff the strength of the data signal received from the serving base station and the target base station are compared against a threshold; if the signal strength is greater than the threshold the serving base station continues to transmit a signal until the signal transmission responsibility is transitioned to the target base station; if the signal strength is not greater than the threshold the serving base station and target base station continue transmission until either signal is greater than the threshold.)

Response to Arguments

3. Applicant's arguments with respect to claims 16-21 have been considered but are moot in view of the new grounds of rejection.

Conclusion

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4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Mills whose telephone number is 703-305-7869. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Donald L Mills



July 29, 2004


JOHN PEZZULLO
PRIMARY EXAMINER